

**REMARKS/ARGUMENTS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 12-25 were rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claim 12 has been amended above so as to delete the final paragraph, thereby obviating the Examiner's rejection. Claim 12 has further been amended to specify that the platform support means comprises pairs of extendable and contractible links which operate to ensure the platform remains horizontal relative to the pivotable mounting on the arms during lifting and lowering. Support for this amendment can be found, in particular, at page 4, first paragraph and previously presented claim 19. A similar amendment has been made to claim 26. Claim 12 has also been amended to specify that the floatation tanks are capable of being purged with water by being filled with compressed air to vary the buoyancy of the cradle. Support for this amendment may be found at page 6, lines 14-15.

During lifting and lowering of a vessel, the dock of the invention remains stable due to the mechanical connection of the lifting cradle to the buoyant base. This has been specified by the incorporation of the extendable and contractible links in claims 12 and 26. As the lifting cradle is attached to, for example, a catamaran base, by mechanical pivots as specified in claim 12, the longitudinal stability of the entire dock is effectively the same of the "water plane" areas of both the base and the cradle. As the cradle is lowered and becomes submerged, its water plane area reduces to zero, but the water plane area of the dock in total never falls below a minimum level which is equal to the water plane area of the catamaran base. This significantly increases the stability of the dock in the longitudinal direction. In the sectional direction one side of the cradle is fixed to the base by a pivot and the cradle raises and lowers by rotating about the pivot connection now specified in claim 12. However, as the lifting platform

which is supported on the cradle is a self leveling platform due to the pivot connections, its stability is not susceptible to changes in the water plane area of the cradle.

The skilled person would clearly understand from the specification alone that the claimed invention works to improve stability by the above mechanism and that this is due to the pivot connections now specified in claim 12. The present claims are therefore properly enabled.

In view of the foregoing, reconsideration and withdrawal of the rejection under 35 USC 112, first paragraph, is solicited.

Claims 12-17 and 19-31 were rejected under 35 USC 102(b) and (e) as being anticipated by Hey. Further, claim 18 was rejected under 35 USC 103(a) as being unpatentable over Hey.

Claim 12 has been amended above and now includes the feature that the floatation tanks are capable of being purged of water by being filled with compressed air in combination with the extendible and contractible links feature. As so claimed, the present invention is not anticipated by Hey. Indeed, the dock of Hey does not use inflatable buoyancy tanks.

The Examiner alleges that it would have been obvious to the skilled person to add inflatable buoyancy tanks to the dock of Hey to arrive at the present invention on the basis that buoyancy tanks are known generally in the art. However, when considering obviousness, the question is whether the skilled person would be motivated by the prior art and Hey to carry out the modification of Hey to apply inflatable buoyancy tanks. Clearly, the skilled person would not be motivated to carry out such a modification of the dock of Hey. Indeed, the general teaching of Hey is to provide a dock without having inflatable buoyancy tanks. Even though inflatable buoyancy tanks are known generally in the art, Hey does not consider using these in his dock. This is because the dock of Hey does not rely on inflatable tanks in order to raise and lower a vessel. Instead, the Hey dock works on the principle that the dock is physically lifted

out of the water by forcing the tanks into the water by rotating plates. There is no indication that the buoyancy of the tanks of Hey may be altered by forcing air into them. Clearly, if the skilled person were faced with the rationale asserted by the Examiner of improving the buoyancy capability of a lifting device on the basis of Hey, he would look to somehow find a means of increasing hydraulic power or other similar actuation means rather than by simply pumping air into and out of the buoyancy tanks. It is only with the value of hindsight knowledge of the present invention that the skilled person would be motivated to provide buoyancy tanks capable of being purged with air to a dry dock. The present invention is therefore not obvious in view of Hey in combination with "general knowledge".

For all the reasons advanced above, reconsideration and withdrawal of the rejection based on Hey are solicited.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
Michelle N. Lester  
Reg. No. 32,331

MNL:slj  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100